

Remarks

At present all of the claims pending in the present application have been indicated as being allowable except for claim 4 and for claim 6 which depends from claim 4. These two claims (4 and 6) stand rejected under 35 USC § 102 based on the published patent application of Kano et al. which is already of record herein. In light of the amendments made herein and the comments presented below the allowance of all pending claims is respectfully requested. Claims 1, 3, 4, 6-9, 11-13, 15-18, 20-22 and 24-34 thus remain pending in the present application.

As a convenience to the Examiner it is noted that the present application is directed to a method of file system restoration in which, during the restoration process itself, individual file access is still available even though the desired data is not yet even present in the file. In particular, the present invention provides the capability of file access during restoration based upon file structure information as opposed to the actual data contained within the file. In this regard, it is important to distinguish the data contained within a file from metadata, which is used in a data processing system to describe the structure and access protocol for a file.

As a part of this process during the restoration, individual ones of the files are marked as having been restored or not. This information is used as a basis for providing file access. In the event that the indication is that the file has been restored, access is granted immediately. If the indication is that the file has not been restored, a temporary hold is placed on the file access until file restoration software restores the data in the file that is specifically requested. In this fashion, application programs accessing a file system during restoration are transparently provided access to the desired data.

In the rejection of applicants claim 4, and claim 6 which depends therefrom. the Examiner has cited paragraph 75 from the published patent application of Kano et al. This particular paragraph has also been cited by applicants in the prior response. While the cited portion from the subject application appears to describe the marking of individual files during a restoration process, it is noted that the Applicants have a specifically amended claim 4 to more particular recite that during file system restoration, access is provided to an unrestored file which is accessed solely by file system structure information without data

being present in the file prior to making the access request. By way of claim dependency this recitation is therefore also found to be present in rejected claim 6 as well.

It is noted that this particular concept is present in the claims which the Examiner has already indicated as being allowed. It is further noted that the Applicants have provided arguments in the previous response which the Examiner has accepted and which assert that the concept of providing access to files during an actual file restoration process before data is even present in the file itself is a concept which is not seen in the cited patent application upon which the examiner relies. For these reasons, the Applicants believe that they have amended their claims in a manner which is perfectly consistent with the bases upon which the examiner has already allowed other claims.

For these reasons, it is asserted that claims 4 and 6 now recite subject matter which the Examiner has already found to be patentable. Accordingly, it is therefore respectfully requested that the rejection of Applicants claims 4 and 6 under 35 USC § 102 be withdrawn. This withdrawal is therefore very respectfully requested.

In closing it is noted that the amendments herein are being made as of right. It is also noted that the present response does not require the payment of any fees other than the fee for the one month extension of time referred to above.

Should the Examiner wish to discuss this case with applicants' attorney, please contact applicants' attorney at the numbers listed below.

Respectfully submitted,



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